

# **EXHIBIT 8**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**DAVID FLOYD, *et al.*,**

**08 Civ. 01034 (SAS)**

**Plaintiffs,**

**-against-**

**DECLARATION OF  
DOMINIQUE SINDAYIGANZA**

**THE CITY OF NEW YORK, *et al.*,**

**Defendants.**

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STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NEW YORK    )

DOMINIQUE SINDAYIGANZA, declares as follows pursuant to 28 U.S.C. § 1746:

1. I submit this affidavit in support of Plaintiffs' motion for class certification. I am not a party to the above-captioned case.

2. I am a 37 year-old man who was born and raised in Belgium. My mother is from Belgium and my father is Black African. Although I am bi-racial, I appear Black. I immigrated to the United States in 2006 and have resided in Queens, New York since that time. For the past three years, I have lived in Jamaica, New York with my wife and two children.

3. I am an educator and the Assistant Direct of Programs for Global Kids, Inc., a non-profit educational organization dedicated to global learning and youth development. I operate the Global Kids programs at Long Island City High School in Jamaica, Queens, New York and John Adams High School in Ozone Park, Queens New York. My organization has

been involved with "Know Your Rights" training for New York City High Schools. Our trainers educate urban youths on how to handle interactions with police officers. Through these trainings, I have heard stories where youth in Queens and Brooklyn believe they are stopped and frisked by police officers even though they were not engaging in nor plan to engage in unlawful activity.

4. On the evening of February 12, 2011, at approximately 6:15 p.m., I was stopped by four or five uniformed police officers as I was exiting a PetCo. store at the corner of Broadway and East 17<sup>th</sup> Street, near Union Square, in New York City, New York. I was not committing nor was I about to commit a crime.

5. The officers ordered me to follow them around the corner and I complied.

6. The officers accused me of following a woman in the store and asking her for money which I had not. I told the officers that I had not followed anyone nor asked anyone for money. The officers asked me for my name, address and identification. I provided the officers with the information they requested. One of the officers, whose nametag said Officer White told me to take my hands out of my pocket. I complied with his request.

7. Another of the officers, whose nametag said Officer Gillespie told me that the woman and the store manager had identified me as the man who had been following the woman. I reiterated that I had not followed anyone, and asked if I could speak with the store manager. They said I could not. One officer ran my identification while others continued to aggressively question me. I asked why the officers believed the woman's story and not mine, at which point one of the officers replied, "Shut up, asshole! You talk too much!"

8. Officer White then told me that I was allowed to leave, but that I must walk north on Broadway away from Union Square. I asked for permission to cross the street instead to allow me access to the subway that would take me home. Officer White denied my request. I didn't

understand because I were free to leave, I should have been allowed to get into the appropriate subway to go home. I asked again for permission to go home using my subway station. He told the officers that I was a "wise guy" and he was going to take me to the precinct.

9. I was ordered to place my hands against the wall. I was then handcuffed and ordered to sit down on the ground. It was a very cold evening and the ground was freezing. I asked for permission to stand up. Officer White laughed and responded, "No, you dick." The other officers made comments like "that will teach him a lesson."

10. Without my permission and even though I was handcuffed and there was no reason for the officers to believe I had a weapon, the officers searched me and my backpack but found no drugs, weapons or contraband. They unzipped my jacket when they searched me. They zipped my jacket only halfway up even though it was very cold. They denied my request to completely zip up my jacket and sarcastically asked whether I wanted a back rub.

11. When the officers completed their search, I was placed in a patrol car. I asked Officer White why I was being arrested, and he told me that I needed to "learn a lesson" and I had "talked too much."

12. I was taken to the 13th Precinct on East 21<sup>st</sup> Street, where I was booked and placed in a holding cell for approximately 30 minutes. Upon my release, I was given a summons for disorderly conduct. The summons described the offense as "officer told respondent to leave the location three times. Respondent failed to disperse from the location." *Id.*

13. As I was leaving the precinct, I asked Officer White to provide a copy of the police report he had written. He said no.

14. I left the precinct at 8:13 p.m.. I had been detained for approximately two hours.

15. The day after this incident, I called the PetCo. store and asked to speak with the manager who had been on duty at the time of the incident. The manager told me that he had observed the incident but had never spoken with the police.

16. On April 14, 2010, I appeared in court on the disorderly conduct charge. The charges were dismissed for legal insufficiency.

17. This incident left me feeling powerless and confused. I was frustrated with the profane and discourteous attitude of the police officers who had arrested me. I had remained calm and polite during the encounter, but I was not accorded the same treatment.

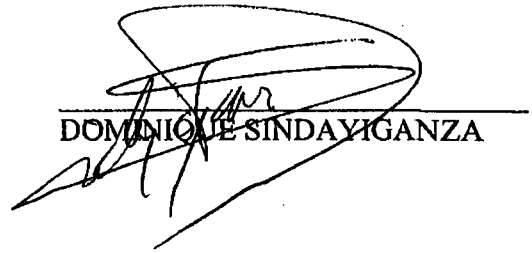
18. I believe that I was wrongfully stopped on the basis of my race in violation of my constitutional rights. I was not doing anything wrong nor acting suspiciously. I am concerned I will be stopped and frisked again on the basis of my race or without any reason. Since the incident, several people I know have let me know they were also stopped and frisked by the NYPD without a reason and I have read numerous news reports about the problem. Based on this incident, news reports and accounts from people I know, I believe that NYPD officers rampantly stop and frisk Black and Latino people in New York City.

19. I filed a civil lawsuit on November 10, 2010 against the NYPD and the officers who stopped and arrested me. The case has been resolved through a settlement with all defendants.

20. Please consider my declaration in deciding whether to certify *Floyd v. City of New York* as a class action.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
November 4, 2011



DOMINIQUE SINDAYIGANZA